

Attachment I

RIGHTS OF INDIVIDUALS UNDER THE INFORMATION PRACTICES ACT



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This information is provided to assist individuals in accessing and correcting personal information that is maintained by the California Department of Social Services.

NOTICE

SECTION 1798.56 OF THE INFORMATION PRACTICES ACT PROVIDES THAT ANY PERSON WHO WILLFULLY REQUESTS OR OBTAINS ANY RECORDS CONTAINING PERSONAL OR CONFIDENTIAL INFORMATION FROM A STATE AGENCY UNDER FALSE PRETENSES SHALL BE GUILTY OF A MISDEMEANOR AND FINED \$5,000 OR IMPRISONED NOT MORE THAN ONE YEAR, OR BOTH.

CONTENTS

- ◆ **BACKGROUND: WHAT IS THE INFORMATION PRACTICES ACT?**
- ◆ **WHAT INFORMATION CAN BE REQUESTED?**
- ◆ **WHAT IS THE NOTICE REQUIREMENT?**
- ◆ **HOW CAN INDIVIDUALS SUBMIT A REQUEST TO INSPECT THEIR RECORDS?**
- ◆ **AFTER A REQUEST IS APPROVED, HOW CAN INDIVIDUALS INSPECT THEIR RECORDS?**
- ◆ **WHAT IF A REQUEST TO INSPECT RECORDS IS REFUSED?**
- ◆ **HOW CAN INDIVIDUALS SUBMIT A REQUEST TO AMEND THEIR RECORDS?**
- ◆ **WHAT IS A DEPARTMENTAL REVIEW?**
- ◆ **WHAT IS A STATEMENT OF DISAGREEMENT?**

BACKGROUND: WHAT IS THE INFORMATION PRACTICES ACT?

The Information Practices Act (IPA) of 1977 (Civil Code Section 1798 et. seq.) is designed to protect personal privacy by putting limits on collecting, maintaining and distributing personal information by State agencies. The IPA applies to personal information maintained by State agencies and their agents. It gives individuals the right to review their personal information in State agency records, find out who has had access to the information, and request changes to inaccurate or irrelevant information.

The California Department of Social Services and other State agencies subject to the IPA are required to comply with several requirements. These requirements generally include: responding to an individual's request for personal information in a timely manner, tracking disclosures of information, and providing notification to individuals about how the agency will use the information collected.

Local agencies are not subject to the IPA. Also, local government functions required to be provided by counties under State law are not subject to the IPA.

WHAT INFORMATION CAN BE REQUESTED?

Individuals have the right to inspect personal information about themselves in records maintained by the California Department of Social Services or its agents. Personal records include information on medical and employment history, financial transactions, etc.

Records of information maintained by the counties, when the counties are required under State law to maintain the information (e.g. information maintained by the State Automated Welfare System and the Child Welfare Services Case Management System) are not covered by the IPA.

Individuals are not authorized by law to inspect certain kinds of their personal information, which generally include the following:

- Information maintained for criminal law enforcement purposes.
- Information maintained for the purpose of investigating criminal violations of state law, until after the investigation and any remedial action are completed.
- Information maintained for the purpose of an investigation of an individual's fitness for licensure or public employment, or of a suspected civil offense, until all investigations are completed.

- Information that would compromise the objectivity of fairness of a test or examination for employment in public service or to determine fitness for licensure.
- Medical, psychiatric, or psychological information, if the holder of the record determines that disclosure would be detrimental to the individual. In such cases, the file will be disclosed to a licensed medical practitioner or psychologist chosen by the individual.
- Any information required by statute to be withheld from the individual to whom it pertains.
- The names of sources of personal information, when confidentiality is required by law or guaranteed to the source.

WHAT IS THE NOTICE REQUIREMENT?

The IPA requires each State agency to provide a notice whenever forms are used to collect personal information directly from individuals. The required content of the notice includes:

- The name of the agency and the division within the agency that is requesting the information.
- The title, business address, and telephone number of the agency official responsible for the system of records. (This official responds to IPA requests.)
- The authority for maintaining the requested information.
- The consequences, if any, of not providing any part of the requested information.
- The principle purpose(s) for which the information is to be used.
- Any known or potential authorized disclosures of the information.
- A statement notifying the individual of his/her rights to review records containing personal information maintained by the Department.

HOW DO INDIVIDUALS SUBMIT A REQUEST TO INSPECT THEIR RECORDS?

Individuals can find out whether the Department maintains a record containing personal information about them.

If assistance is needed in identifying and locating the record and the responsible official, requests should be made in writing to:

Information Practices Coordinator
Information Security and Management Systems Branch
California Department of Social Services
744 P Street, MS. 9-801
Sacramento, California 95814

Requests should provide as much information as possible to assist in identifying the record, such as:

- Full name, address, and any other identifier that might be used to locate your record (such as a Social Security Number);
- Departmental program, activity, or purpose for which the information was collected;
- Description of the kinds of information in the record;
- Name of the person, organization, or agency that collected the information.

If available, the Information Practices Coordinator will provide you with the correct record system and the title and address of the official responsible for maintaining the record. Your request to the Department to inspect your record should include the following information:

- Name of the record system;
- Title and address of the official responsible for maintaining the record.

AFTER A REQUEST IS APPROVED, HOW DO INDIVIDUALS INSPECT THEIR RECORDS?

If individuals are permitted under the law to inspect their records, arrangements for inspection will be made within 30 days of a request for active records, or 60 days if the records are in storage or geographically dispersed.

Inspection of records will only be permitted during regular business hours at a time and place specified by the official in charge. The record (or a copy) may be made available at a location near your residence or by mail, if reasonable. Another person may inspect the individual's record if the individual provides a written statement authorizing such disclosure.

When individuals inspect their records, they may request a copy of all or any portion of the personal information in the records. Copies will be made within 15 days after the request. The charge for copies is ten cents per page. For records maintained on forms other than paper (such as magnetic tape, photographs, microfilm) a fee will be charged that is sufficient to cover the cost of making copies.

WHAT IF A REQUEST TO INSPECT INDIVIDUAL RECORDS IS REFUSED?

If a request to inspect a record is refused because the responsible official indicates that law does not authorize the disclosure of the contents, an individual can request a review of this determination. A written request for review should be sent, with a copy of the letter stating the reason(s) for the refusal and any other relevant information to:

Information Practices Coordinator
Information Security and Management Systems Branch
California Department of Social Services
744 P Street, MS. 9-801
Sacramento, California 95814

A notification of the results of the review will be sent to the individual within 30 days after receipt of the request.

HOW CAN INDIVIDUALS SUBMIT A REQUEST TO AMEND THEIR RECORDS?

Individuals have the right to submit a request for amendment or correction of the record if they believe that any personal information is not accurate, relevant, timely, or complete.

Requests for amendment must be in writing and addressed to the official responsible for maintaining the record. The request should include the following information:

- Name or title of the record system that contains the information.
- Name of the subject, individual, and any identifying particular as shown in the record.
- Details of the requested amendment or corrections.
- Reasons why the record should be amended or why each correction should be made.

The official responsible for maintaining the record must notify the individual, within 30 days after receipt of the request, that corrections have been made as requested or that all or part of the request has been rejected. The Department must give a reason for refusing to amend the record as requested.

WHAT IS A DEPARTMENTAL REVIEW?

If an individual disagrees with the refusal to amend any part of he/her record, he/she has the right to request a departmental review. Requests for review must be submitted in writing to:

Information Practices Coordinator
Information Security and Management Systems Branch
California Department of Social Services
744 P Street, MS. 9-801
Sacramento, California 95814

Requests for a departmental review should include the following information:

- Copy of the original request for amendment or correction of the record.
- Copy of the notification of denial of the request, with the Department official's reasons for refusing to amend your record.
- The reasons for disagreeing with the refusal, and any additional information.

If the departmental review determines that the request should be complied with, the record will be amended. A notice of the final review results will be sent to the individual within 30 days after receipt of request, or within 60 days if good cause makes an extension necessary.

WHAT IS A STATEMENT OF DISAGREEMENT?

If the departmental review concludes that all or part of the request for amendment or correction should not be granted, the notification will include a statement of the reasons for the refusal. Individuals have the right to file a statement of disagreement if they do not agree with the departmental review decision. This statement should be of reasonable length (usually not more than one or two pages), specifying the corrections requested and giving the reasons why each correction should be made. The statement of disagreement must be sent to the official responsible for maintaining the record. The statement of disagreement, together with the Department's statement of reasons for refusing to amend the record, will be made a part of the individual's record and copies will be made available to persons or agencies to whom the disputed information is disclosed.